
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

January 12, 2022

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following statement into record:

“The requirements of the Open Public Meetings Law, 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Express Times Warren County Edition and posted on the borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Hearing no public comment, motion made by Heinrich and seconded by Norris to close the public portion, all were in favor.

RESOLUTION

Attorney Parikh gave explanation of the two resolutions on tonight’s agenda regarding the options the governing body has regarding the mayor vacancy.

Motion made by Heinrich and seconded by Noone to approve Resolution 2022-23.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 4 Nays: 2 (Cox and Norris)

Motion passes.

**RESOLUTION OF THE BOROUGH OF WASHINGTON TO KEEP THE TEMPORARY
VACANCY IN THE OFFICE OF MAYOR OPEN UNTIL
THE VACANCY IS FILLED IN THE 2022 GENERAL ELECTION**

WHEREAS, on December 28, 2021, Mayor David Higgins (“Mayor Higgins”) resigned from his position of Mayor for the Borough of Washington; and

WHEREAS, the term of the office held by Mayor Huggins expires, as a matter of law, on December 31, 2024; and

WHEREAS, the resignation of Mayor Higgins created a vacancy in the office of Mayor for the Borough of Washington; and

WHEREAS, the Borough of Washington is a municipality which holds general elections for the offices of Mayor and members of Council; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) provides, in pertinent part, that if a vacancy occurs in accordance with N.J.S.A. 40A:16-3 and if such a vacancy occurs at any time prior to September 1 of the next to the last year of the officer whose office has become vacant, the vacancy shall be filled for its unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) further provides that the governing body may fill the vacancy temporarily by appointment as hereinafter provided; and

WHEREAS, the Court in Linden Democratic Committee v. City of Linden, 2021 N.J. Super LEXIS 110 (App Div. 2021) ruled that N.J.S.A. 40A:16-5(b) vests the decision to appoint an interim successor to fill a temporary vacancy with the governing body in its discretion.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington that, pursuant to N.J.S.A. 40A:16-5(b), the governing body, in its discretion, elects not to fill the office of Mayor temporarily by appointment; and

BE IT FURTHER RESOLVED, that the office of Mayor that has become vacant by the resignation of Mayor Higgins is to be remain temporarily vacant during the interim period from the time the vacancy occurred until the time of the 2022 general election.

ADJOURN

Hearing no further business to come before Council, motion made by Heinrich and seconded by Noone to adjourn the meeting at 7:16 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk